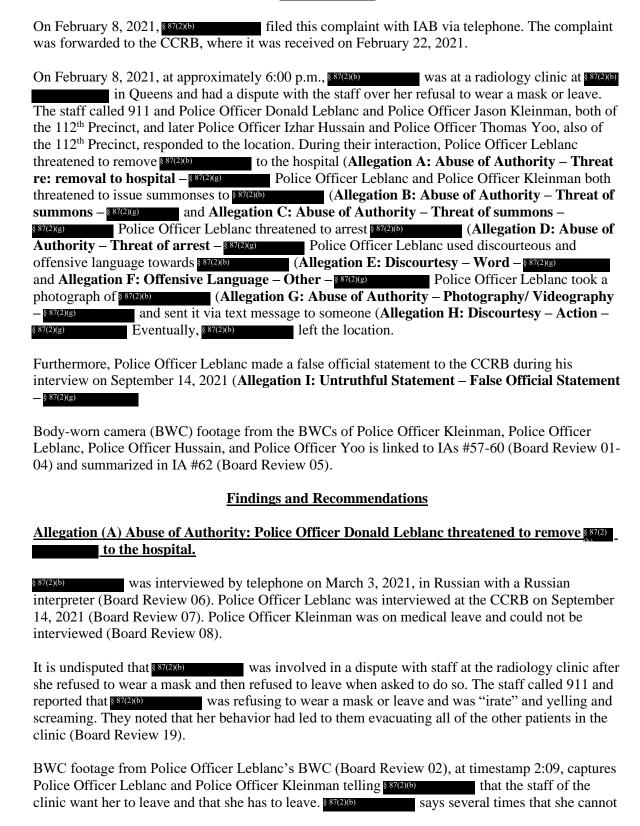
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	V	Discourt.	☑ U.	S.
Rachel Murgo		Squad #2	202101160	☑	Abuse	✓	O.L.	☐ In	jury
Incident Date(s)		Location of Incident:	<u>l</u>	I	Precinct:	18	Mo. SOL	EO	SOL
Monday, 02/08/2021 6:00 PM		§ 87(2)(b) § 87((2)(b)		112	8	3/8/2022	8/8/	2022
Date/Time CV Reported		CV Reported At:	How CV Reported	1:	Date/Time	Rece	eived at CC	RB	
Mon, 02/08/2021 7:26 PM		IAB	Phone		Mon, 02/2	2/202	21 11:34 Al	M	
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Jason Kleinman	16331	944097	112 PCT						
2. POM Donald Leblanc	03223	925589	112 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POM Izhar Hussain	23050	962490	112 PCT						
2. POM Thomas Yoo	14241	963815	112 PCT						
Officer(s)	Allegatio	on			Inve	stiga	tor Recor	nmenda	ation
A.POM Donald Leblanc	Abuse: P § 87(2)(b)	olice Officer Donald Le to the hospital.	blanc threatened to	rem	ove				
			1-1 414 1 4	issu	e a				
B.POM Donald Leblanc		olice Officer Donald Le s to § 87(2)(b)	blanc infeatened to	1556					
B.POM Donald Leblanc C.POM Jason Kleinman	summons Abuse: P								
	Abuse: P	s to ^{§ 87(2)(6)} olice Officer Jason Klei	nman threatened to	issu	e a				
C.POM Jason Kleinman	Abuse: P summons Abuse: P \$87(2)(b) Discourte	s to § ^{87(2)(b)} colice Officer Jason Klei s to § ^{87(2)(b)}	nman threatened to	issu	e a				
C.POM Jason Kleinman D.POM Donald Leblanc	Abuse: P summons Abuse: P sammons	olice Officer Jason Klei s to \$87(2)(b) olice Officer Donald Le esy: Police Officer Dona	nman threatened to blanc threatened to	issu	e a				
C.POM Jason Kleinman D.POM Donald Leblanc E.POM Donald Leblanc	Abuse: P summons Abuse: P summons Abuse: P sa7(2)(6) Discourte discourte Off. Lang offensive	s to \$87(2)(b) colice Officer Jason Klei s to \$87(2)(b) colice Officer Donald Le esy: Police Officer Dona cously to \$87(2)(b) guage: Police Officer Do	nman threatened to blanc threatened to ald Leblanc spoke onald Leblanc made	issu arre	e a				
C.POM Jason Kleinman D.POM Donald Leblanc E.POM Donald Leblanc F.POM Donald Leblanc	Abuse: Psummons Abuse: Psummons Abuse: Psincourte discourte Off. Lang offensive Abuse: Psincourte Discourte	s to \$\frac{\sets}{87(2)(\text{to})}\$ colice Officer Jason Kleis to \$\frac{\sets}{87(2)(\text{to})}\$ colice Officer Donald Le esy: Police Officer Dona cously to \$\frac{\sets}{87(2)(\text{to})}\$ guage: Police Officer Do e remarks to \$\frac{\sets}{87(2)(\text{to})}\$	nman threatened to blanc threatened to ald Leblanc spoke onald Leblanc made	issu arre	e a				

Case Summary



CCRB CTS – Confidential Page 1

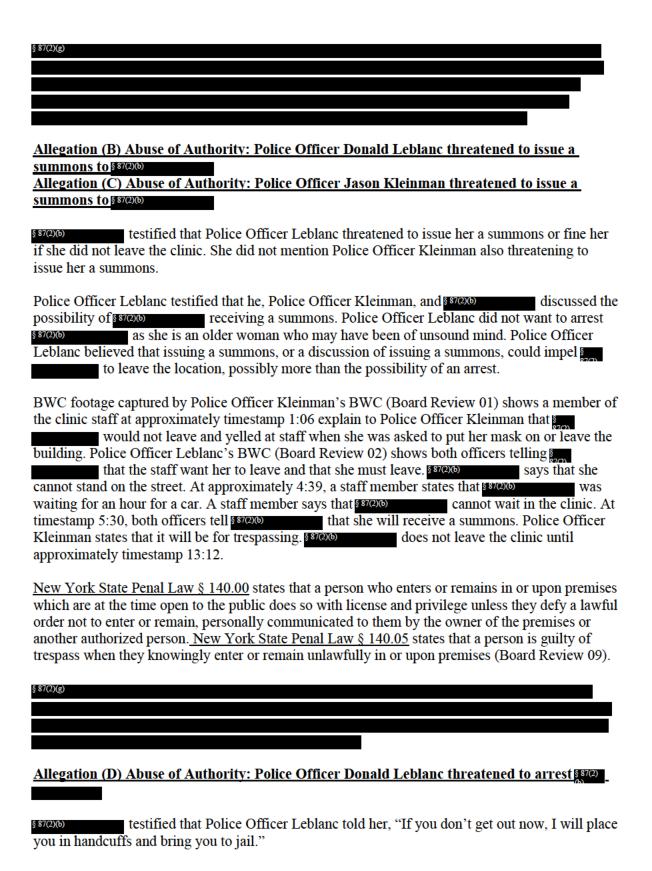
stand on the street. Police Officer Leblanc tells (***CPID**) "Ok, well, then we're going to get an ambulance here to take you away." At 2:40, (***CPID**) mentions papers that she has from her doctor, which she previously tried to show to Police Officer Leblanc. Police Officer Leblanc tells Police Officer Kleinman, "Let's call an ambulance and she's going to psych." He then tells that she will go to have a "psychological evaluation."

did not mention a discussion of her potential removal to the hospital in any of her statements to the CCRB. She, however, mentioned that her spine is made of metal, which causes her a lot of intense pain and makes her unable to sit, stand or walk for long periods of time, and that at the time of the incident she had a doctor's note to this effect. She stated that, during the incident she explained this to the officers and attempted to show them the doctor's note but did not get a chance to do so.

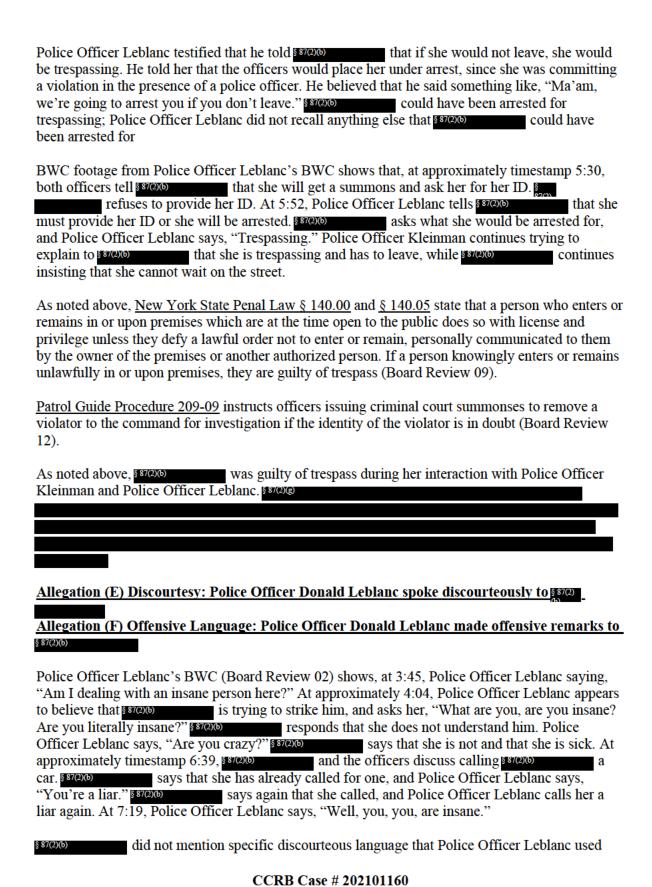
Police Officer Leblanc testified that a nurse who worked at the clinic told him that \(\) had been at the clinic for an "extended period of time," between 2-4 hours, and was no longer welcome there. When he spoke to her, \$87(2)(6) refused to get up from her chair or leave the clinic and came up with excuses for why she would not leave, such as that her back hurt and she was waiting for a ride. Police Officer Leblanc asked \$87(2)(b) if she needed medical attention and said that he would call an ambulance to take her to the hospital, since \$87(2)(b) mentioned her back hurting and that she could not stand. Police Officer Leblanc did not recall discussing the possibility of § 87(2)(b) being removed to the hospital against her will with her. He believed that "maybe at one point" \$ 87(2)(b) seemed to be becoming an "emotionally disturbed person" (EDP), as she was not making sense and seemed not to be "of sound mind" given that she "wasn't thinking logically" when told that clinic staff wanted her to leave. \$87(2)(b) remained in the clinic for hours despite being asked to leave by staff and later by police. Police Officer Leblanc believed that § 87(2)(b) may have become a danger to herself or others as she seemed to try to make Police Officer Leblanc "flinch" by making a movement as if she were going to strike him. Police Officer Leblanc had not decided how §87(2)(6) posed a danger to herself. Police Officer Leblanc noted that he could only refer or ask for an ambulance and his supervisor to come, and that EMTs and his supervisor would make the decision of whether to Police Officer Leblanc did not recall whether an ambulance was ever called but did not believe that one was. He recalled asking \$87(2)(b) if she needed medical attention related to her physical condition but was unsure whether he asked her if she needed medical attention related to her potential status as an "EDP." After being shown footage from his own BWC (Board Review 02) from timestamp 2:39, in which he tells \$\sqrt{87(2)}\text{to}\$ that the officers will have her psychologically evaluated, Police Officer Leblanc stated that this was after the point when the officers offered \$87200 an ambulance for her physical complaints and was not listening to anything that the officers were saying and was not leaving despite being asked to. Police Officer Leblanc did not have an independent recollection of why he ultimately decided not to have \$87(2)(b) psychologically evaluated.

<u>Patrol Guide Procedure 216-01</u> instructs officers to render reasonable aid to the sick or injured person and to request an ambulance or doctor to the scene if necessary. Officers should then cooperate with ambulance personnel in every reasonable manner (Board Review 10).

<u>Patrol Guide Procedure 221-13</u> instructs officers to have an emotionally disturbed person, defined as a person who appears mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others, removed to a hospital in an ambulance (Board Review 11).



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towards her. She testified that he was "very annoyed" and "fought" and argued with her.

Police Officer Leblanc testified, as noted above, that at some point during the incident.

seemed to be of unsound mind. Solution seemed to try to make Police Officer Leblanc "flinch" as if she were going to strike him. Police Officer Leblanc "wasn't concerned" by this and did not consider solution movement a significant threat to himself, as she is "an elderly woman" and he is a comparatively younger, stronger man. After made her movement towards Police Officer Leblanc, Police Officer Leblanc asked solution if she was insane and what she was doing. He initially did not recall saying, "Am I dealing with an insane person here?" to solution when asked whether he said, "What are you, are you insane? Are you literally insane?" to solution of saying this. His comments about stated that it was possible but that he had no independent recollection of saying this. His comments about mental state may have been in reference to solution movement as if she were going to strike him. Police Officer Leblanc believed that asking someone if they are insane is "a valid question" when someone attempts to "make a strike at a police officer in uniform."

<u>Patrol Guide Procedure 200-02</u> instructs officers to maintain a higher standard of integrity than is generally expected of others. It further requires officers to respect the dignity of each individual and render services with courtesy and civility (Board Review 18)

<u>DAO-DCT Case #2018-18951</u> establishes that there are certain situations where profane remarks made during a stressful or chaotic situation would not constitute misconduct (Board Review 13).

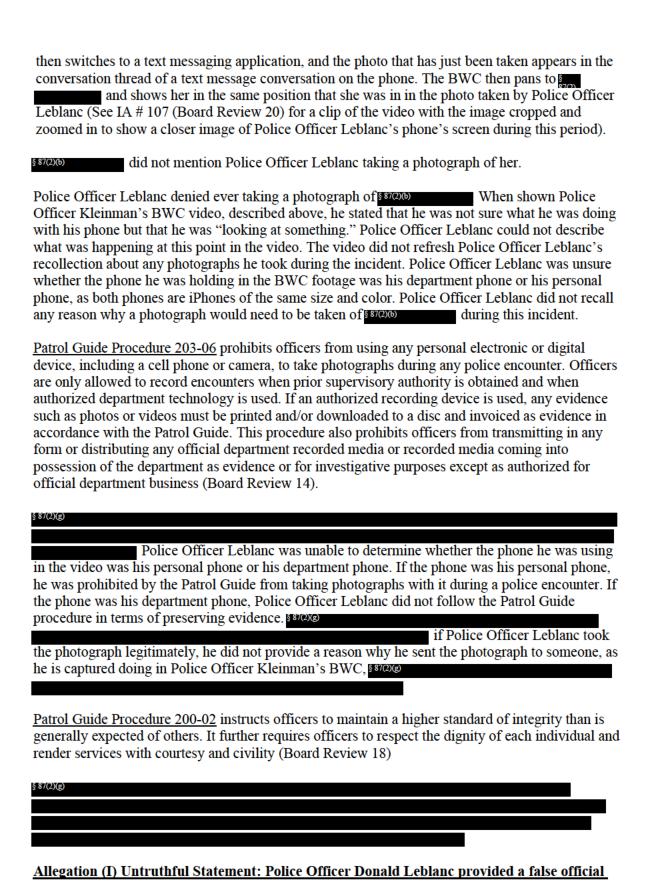
<u>Patrol Guide Procedure 203-10</u> prohibits the use of discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability (Board Review 22). <u>Administrative Guide 304-06</u> likewise prohibits the use of discourteous or disrespectful remarks regarding another person's age ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability (Board Review 23). There are no stipulated exceptions to these prohibitions.

While a "stressful" or "chaotic" situation may excuse certain instances of discourteous language, Police Officer Leblanc noted in his testimony that he did not consider to pose a significant threat to himself due to her age and size. [\$700] was also outnumbered by officers and clinic staff for the entirety of the incident. Furthermore, Police Officer Leblanc's repeated questions to \$700 about whether she was "insane" or "crazy" appeared more intended to belittle \$700.

Allegation (G) Abuse of Authority: Police Officer Donald Leblanc took a photograph of [87(2)]

Allegation (H) Discourtesy: Police Officer Donald Leblanc acted discourteously toward [87(2)]

BWC footage from Police Officer Kleinman's BWC (Board Review 01) at timestamp 12:16 shows Police Officer Leblanc holding his phone by his waist, tilting it up to point the camera at The phone's screen then shows a photo of who is seated directly across from where Police Officer Leblanc is standing, being captured on the phone. The phone



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statement to the CCRB.

Police Officer Leblanc denied ever taking a photograph of \$87(2)(6) When shown the BWC footage that captures him taking a picture of \$87(2)(b) and sending it to an unknown party via text message (Board Review 01 and Board Review 20), Police Officer Leblanc testified that he could not describe what was happening at that point in the video but that he was "looking at something."

Administrative Guide Procedure 304-10 prohibits officers from intentionally making a false official Statement in a CCRB interview, which is a statement that the officer knows to be untrue that is material to the outcome of an investigation (Board Review 21).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which [870] has been a party (Board Review
- Police Officer Leblanc has been a member of service for 21 years and has been a subject in six additional CCRB complaints and 15 allegations, none of which were substantiated.
- Police Officer Kleinman has been a member of service for 14 years and has been a subject in seven additional CCRB complaints and 15 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- accepted mediation. However, due to an Agency moratorium on mediations, this case was investigated.
- As of October 28, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 16).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 2			
Investigator:	Rachel Murgo Signature	Inv. Rachel Murgo Print Title & Name	9 June 2022 Date
Squad Leader:	Alexander Opoku-Agyemang Signature	IM Alexander Opoku-Agyemang Print Title & Name	g 6/9/2022 Date
Reviewer:	Signature	Print Title & Name	Date